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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR       | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------------|---------------------|------------------|
| 10/677,027   | 09/30/2003  | Candice Leontine Coletrane | RPS9-2003-0159      | 9374             |
| 45219  | 7590        | 08/19/2005                 | EXAMINER            |                  |
| KUNZLER & ASSOCIATES<br>8 EAST BROADWAY<br>SUITE 600<br>SALT LAKE CITY, UT 84111 |             |                            | TRAN, DALENA        |                  |
|  |             |                            | ART UNIT            | PAPER NUMBER     |
|  |             |                            | 3661                |                  |

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/677,027 | <b>Applicant(s)</b><br>COLETRANE ET AL. |  |
|                              | <b>Examiner</b><br>Dalena Tran       | <b>Art Unit</b><br>3661                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/30/03, 6/14/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Notice to Applicant(s)

1. This application has been examined. Claims 1-30 are pending.

The prior art submitted on 9/30/03, and 6/14/04 have been considered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-12, 14-15, 18-22, 24-26, and 28-29, are rejected under 35

U.S.C. 102(e) as being anticipated by Webb et al. (6,741,168).

As per claim 1, Webb et al. disclose an apparatus for exchanging vehicle information, comprising: a communications module configured to establish a wireless connection with a respondent identification device responsive to a collision indication (see the abstract; columns 2-3, lines 45-26), a control module configured to identify a collision based on inputs from a vehicle data system, the control module configured to responsively assemble a vehicle identifier, send the vehicle identifier to the respondent identification device, and receive a respondent vehicle identifier from the respondent identification device (see column 1, lines 38-54; and columns 4-5, lines 3-43); and a memory module configured to store the vehicle identifiers from the host vehicle and one or more respondent vehicles (see column 3, lines 27-60).

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As per claims 2-3, Webb et al. disclose an interface module configured to connect with a vehicle data system of a host vehicle, the interface module further configured to receive a collision indication from the vehicle data system, wherein the interface module connects to the host vehicle data system over a wireless network (see columns 5-6, lines 43-62).

As per claim 4, Webb et al. disclose the control module verifies that the respondent identification device is responsive to the collision indication (see column 3, lines 27-60).

As per claim 5, Webb et al. disclose the communications module is further configured to transmit the stored vehicle identifiers received over the wireless network connection to an authorized collection device (see column 5, lines 11-42).

As per claim 7, Webb et al. disclose the wireless communications are encrypted (see column 5, lines 10-23).

As per claim 8, Webb et al. disclose the memory module stores the state information of the host vehicle (see column 3, lines 27-60).

As per claim 9, Webb et al. disclose a GPS module configured to locate the host vehicle (see column 3, lines 17-26).

As per claim 10, Webb et al. disclose the collision indication is generated by the control module (see columns 2-3, lines 45-26).

As per claim 11, Webb et al. disclose a system for exchanging vehicle information, the system comprising: a wireless network configured to facilitate communication between wireless devices (see the abstract; and columns 2-3, lines

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45-26), a vehicle data system configured to detect and communicate a collision indication (see column 1, lines 38-54); and at least two identification devices, wherein the first identification device, responsive to a collision indication from the vehicle data system, assembles and stores a vehicle identifier of a host vehicle and establishes a wireless network connection with the second identification device, the first identification device further configured to send the host vehicle identifier to the second identification device and receive a respondent vehicle identifier from the second identification device (see columns 2-3, lines 45-60; and columns 6-7, lines 23-26).

As per claim 12, Webb et al. disclose an authorized collection device configured to establish a wireless network connection with the identification device, wherein the identification device sends a plurality of vehicle identifiers to the authorized collection device (see columns 6-7, lines 39-26).

As per claim 14, Webb et al. disclose a first identification device verifies that a second identification device is responding to the collision indication (see the abstract).

As per claim 15, Webb et al. disclose a method for exchanging vehicle information, comprising: receiving a collision indication (see column 1, lines 38-54); establishing a wireless network connection with a respondent identification device, assembling a vehicle identifier; exchanging vehicle identifiers with the respondent identification device over the wireless network connection (see the abstract; and columns 2-3, lines 45-26); and storing the vehicle identifiers (see column 3, lines 28-60).

As per claim 18, Webb et al. disclose storing the vehicle status information (see column 3, lines 28-60).

As per claim 19, Webb et al. disclose the vehicle data system comprises a vehicle

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control system (see columns 2-3, lines 45-26).

As per claim 20, Webb et al. disclose transmitting a plurality of stored vehicle identifiers to an authorized collection device (see column 5, lines 11-42).

As per claim 21, Webb et al. disclose communications over the wireless network connection are encrypted (see column 5, lines 10-22).

As per claim 22, Webb et al. disclose a computer readable storage medium comprising computer readable code configured to carry out a process for exchanging vehicle information, the process comprising: receiving a collision indication (see column 1, lines 38-54), establishing a wireless network connection with a respondent identification device; assembling a vehicle identifier; exchanging vehicle identifiers with the respondent identification device over the wireless network connection (see the abstract; and columns 2-3, lines 45-26); and storing the vehicle identifiers (see column 3, lines 28-60).

As per claim 24, Webb et al. disclose computer readable code configured to assemble the vehicle identifier from the vehicle identification information (see the abstract).

As per claim 25, Webb et al. disclose computer readable code configured to retrieve and store vehicle status information (see columns 4-5, lines 3-42).

As per claim 26, Webb et al. disclose computer readable code configured to transmit a plurality of vehicle identifiers to an authorized collection device (see column 5, lines 10-42).

As per claim 28, Webb et al. disclose computer readable code configured to encrypt communications over the wireless network (see column 5, lines 10-22).

As per claim 29, Webb et al. disclose computer readable code configured to add time stamp data, collision indication data, and insurance information to the vehicle identifier (see columns 4-5, lines 3-42).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 13, and 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al. (6,741,168) in view of Von Mueller et al. (US 2004/0006699 A1).

As per claims 6, 13, and 27, Webb et al. do not disclose to verify identity of the authorized collection device. However, Von Mueller et al. disclose the control module verifies identity of the authorized collection device (see the abstract; [0045] through [0050]; and [0139] through [0141]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Webb et al. by combining to verify identity of the authorized collection device to assure security for the vehicle driver information when exchange information between different vehicle drivers.

6. Claims 16-17, 23, and 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al. (6,741,168) in view of Price R-W et al. (6,052,068).

As per claims 16-17, and 23, Webb et al. do not disclose querying a vehicle data system. However, Price R-W et al. disclose querying a vehicle data system for vehicle identification information, and vehicle status information (see columns 5-6, lines 48-50; columns 9-10, lines 41-57; and columns 11-12, lines 61-14). It would have been obvious

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to one of ordinary skill in the art at the time the invention was made to modify the teach of Webb et al. by combining querying a vehicle data system for identifying vehicle information when multiples vehicles within the range of the system.

As per claim 30, Webb et al. disclose an apparatus for exchanging vehicle information, comprising: receiving a collision indication (see column 1, lines 38-54); establishing a wireless network connection with a respondent identification device, assembling a vehicle identifier; exchanging vehicle identifiers with the respondent identification device over the wireless network connection (see the abstract; and columns 2-3, lines 45-26); and storing the vehicle identifiers (see column 3, lines 28-60). Webb et al. do not disclose querying a vehicle data system. However, Price R-W et al. disclose querying a vehicle data system for vehicle identification information (see columns 5-6, lines 48-50; columns 9-10, lines 41-57; and columns 11-12, lines 61-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Webb et al. by combining querying a vehicle data system for identifying vehicle information when multiples vehicles within the range of the system.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- . Greer et al. (5,790,427)
- . Mackey et al. (6,141,611)
- . Miller, Jr. (6,650,252)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968.




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The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner  
Dalena Tran



August 18, 2005